



DRAFT

If You Were an Inmate at the Southern Regional Jail for 3 or More Days Since September 22, 2020, You Could Get Money from a Class Action Settlement.

A Federal Court has authorized this notice. This is not a solicitation from a lawyer.

- West Virginia has agreed to pay \$4 million to settle a class action lawsuit claiming inhumane conditions and improper treatment at Southern Regional Jail. The lawsuit will continue against the medical providers to the jail, Primecare and Wexford, and the county commissions that house inmates at the facility which include Greenbrier, Raleigh, Wyoming, Fayette, Mercer, Monroe, and Summers.
- Four separate \$1 million insurance policies will be shared by approximately 7,850 current and former inmates. The amount that is given to each inmate will be based on the amount of time spent at the Southern Regional Jail since September 22, 2020.

Your legal rights are affected even if you do nothing. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DATE
Submit a Claim	This is the only way to get a payment.	Month XX, 2024
Object	Write to the Court about why you don't like the settlement.	Month XX, 2024
Go to the Hearing	Ask to speak in Court about the fairness of the settlement.	Month XX, 2024
Do Nothing	Get no payment. Give up your rights.	N/A

- These rights and options—**and the deadlines to exercise them**—are explained in more detail below.
- The Court has preliminarily approved the settlement but still must decide whether to give final approval. Payments will be made to eligible Class Members only if the Court gives final approval to the settlement and, if there are any appeals, after the appeals are resolved in favor of the settlement. *Please be patient.*

Questions? Call 1-8XX-XXX-XXXX or Visit www.WVjailsettlement.com

BACKGROUND INFORMATION

1. Why was this notice issued?

A court authorized this Notice because you have a right to know about a proposed settlement of this class action and about your rights and options before the Court decides whether to give final approval to the settlement.

U.S. District Judge Frank Volk of the Southern District Court of West Virginia is overseeing the settlement. The case is called *Rose v. Sandy*, No. 5:22-cv-00405 (S.D.W.V.). The people who sued are called the Plaintiffs. The Settling Defendants are Jeff S. Sandy, individually and in his official capacity as the former Cabinet Secretary of the West Virginia Department of Homeland Security, William K. Marshall III, individually and in his official capacity as the Commissioner of the West Virginia Division of Corrections and Rehabilitation, Betsy Jividen, Brad Douglas, and Michael Francis.

2. What is this lawsuit about?

Former inmates are suing on behalf of themselves and others, saying they were subjected to inhumane treatment (for example, overcrowding, faulty plumbing, unsanitary living conditions, inadequate nutrition, inadequate bedding and hygiene items, improper disciplinary measures, lack of prisoner safety) during their time at Southern Regional Jail.

3. Why is this a class action?

In a class action lawsuit, one or more people called Class Representatives sue on behalf of themselves and other people who have similar claims. In this case, the Class Representatives are Michael D. Rose, Robert C. Church, Sr., Nicole Henry, Edward L. Harmon, Thomas Fleenor, Jr., William Bohn, and Tonya Persinger. One court will resolve the issues for all Class Members.

4. Why is there a settlement?

The Court has not decided in favor of the Plaintiffs or the Settling Defendants. Instead, both sides have agreed to a settlement. By agreeing to a settlement, the Parties avoid the costs and uncertainty of a trial, and Class Members receive benefits described in this Notice. The settlement does not mean that the Defendants did anything wrong.

Questions? Call **1-8XX-XXX-XXXX** or Visit www.WVjailsettlement.com

WHO IS PART OF THE SETTLEMENT

If you received a notice in the mail and/or email about the settlement, then you may be a Class Member. But even if you did not receive a notice about this settlement, you may be a Class Member, as described below.

5. Who is included in the settlement?

You are included in the settlement if you were an inmate at Southern Regional Jail for more than two days anytime between September 22, 2020 and Month XX, 2024 or the date the settlement is granted final approval.

6. What if I'm still not sure if I am included?

If you are not sure whether you are included, you may call 1-8XX-XXX-XXXX or visit www.WVjailsettlement.com. You may also write with questions to WV Jail Settlement, PO Box XX, Minneapolis MN 55440-0044.

THE SETTLEMENT BENEFITS

7. What does the settlement provide?

Settling Defendants have agreed to create a Settlement Fund of \$4,000,000, the highest amount the state's insurance coverage will pay. The Settlement Fund will pay eligible Class Members, as well as attorneys' fees and expenses. The Defendant will also provide up to \$50,000 to pay the cost to provide notice and administer the settlement.

HOW TO GET A PAYMENT

8. How can I get a payment?

To ask for a payment, you must complete and submit a Claim Form online or by mail by Month XX, 2024. Claim Forms are available at www.WVjailsettlement.com, or by calling 1-8XX-XXX-XXXX. Please read the instructions carefully.

9. When will I get a payment?

Class Members who are entitled to payments will receive their payment sometime after the settlement becomes final. This will not happen until the Court grants final approval to the

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settlement and any appeals are resolved in its favor (see “The Fairness Hearing” below). If there are appeals, resolving them can take time.

THE LAWYERS REPRESENTING YOU

10. Do I have a lawyer in this case?

Yes. The Court has appointed several law firms to represent all Class Members.

Stephen P. New Emilee B. Wooldridge Stephen New & Associates 430 Harper Park Drive Beckley, WV 25801	Amanda J. Taylor Taylor, Hinkle & Taylor 1151/2 S Kanawha Street Beckley, WV 25801	Timothy P. Lupardus Lupardus Law Office 275 Bearhole Road Pineville, WV 24874
Robert Dunlap Robert P. Dunlap & Associates PLLC 345 Prince Street Beckley, WV 25801	Zachary Kyle Whitten Whitten Law Office 50 Main Avenue Pineville, WV 24874	

You will not be charged for contacting these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

11. How will the lawyers be paid?

Class Counsel will be paid from the Settlement Fund for fees and expenses (up to 35% of the Settlement Fund). The request for fees and expenses must be approved by the Court. Class Counsel will also request that the Court approve an incentive award of \$1,000 for each Class Representative for their efforts in bringing the class action.

IMPACT ON ABILITY TO SUE SETTLING DEFENDANTS – RELEASE OF CLAIMS

12. Can I sue the Settling Defendants on my own if I do not participate in the settlement?

No. This is a limited fund settlement which means you will not be able to sue the Settling Defendants on your own for matters covered by the settlement, because there would not be enough funds available to litigate those claims. The Settlement Agreement, available on the Internet at www.WVjailsettlement.com, contains the full terms of the release of claims.

Questions? Call **1-8XX-XXX-XXXX** or Visit www.WVjailsettlement.com

OBJECTING TO THE SETTLEMENT

13. How do I tell the Court if I do not like the settlement?

You can object to the settlement if you don't like some part of it. The Court will consider your views. To object, you must submit a letter that includes:

- Your full name, address, telephone number, and email address (if available);
- A statement saying that you object to the settlement in *Rose v. Sandy*, No. 5:22-cv-00405;
- In clear and concise terms, the objection and legal and factual arguments supporting the objection;
- Facts showing that you are a Class Member;
- The statement "I declare under penalty of perjury under the laws of the United States of America that the foregoing statements regarding Class membership are true and correct to the best of my knowledge"; and
- Your signature and date.

If you intend to appear at the Fairness Hearing (with or without personal counsel), the written objection must also contain:

- Identify the attorney(s) representing you who will appear at the hearing.
- Include the attorney(s) name, address, phone number, e-mail address, and the state bar(s) to which counsel is admitted.
- If you intend to request the Court to allow you to call witnesses at the hearing, you need to include that information in your written objection, which must also contain a list of any witnesses and a summary of each witness's expected testimony.

You must file your written objection with the Court no later than **Month XX, 2024**:

Court
Clerk of Court
Robert C. Byrd United States
Courthouse and Federal Building
110 North Heber Street
Beckley, WV 25801

If you do decide to make your objection through your own attorney, you will be responsible for your attorney's fees and costs. It is not necessary to have an attorney to file an objection.

Questions? Call 1-8XX-XXX-XXXX or Visit www.WVjailsettlement.com

THE FAIRNESS HEARING

14. What is the Fairness Hearing?

The Court will hold a hearing to decide whether to give final approval to the settlement, called a Fairness Hearing. The purpose of the Fairness Hearing is for the Court to determine whether the settlement should be approved as fair, reasonable, adequate, and in the best interests of the Class, as well as to consider the award of attorneys' fees and expenses to Class Counsel.

15. When and where is the Fairness Hearing?

The hearing will be held on Month XX, 2024 at x:xx x.m. in the U.S. District Court for the Southern District of West Virginia, located at 110 North Heber Street, Beckley, WV 25801. At the hearing, the Court will hear any objections and arguments about the proposed settlement. The hearing may be postponed to a different date or time or location without notice. Please check the website for any updates or changes about the settlement generally or the Fairness Hearing specifically.

16. May I speak at the hearing?

You may ask the Court for permission to speak at the hearing, but you may only do so if you have properly objected to the settlement (see Question 13).

GETTING MORE INFORMATION

17. How do I get more information?

This Notice summarizes the settlement. More details are in the Settlement Agreement. To see a copy of the Settlement Agreement, the Court's Preliminary Approval Order, Class Counsel's application for attorneys' fees and costs, and the Complaint filed in this class action visit www.WVjailsettlement.com, or call 1-8XX-XXX-XXXX.

18. What if my address or other information has changed or changes after I submit a Claim Form?

It is your responsibility to inform the Claims Administrator of your updated information. You may do so by email (info@WVjailsettlement.com) or at the address below:

WV Jail Settlement - XXXX
PO Box 44
Minneapolis, MN 55440-0044

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